

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

United States Courts
Southern District of Texas
FILED

JUN 20 2023

HERBERT DARRELL HAY, a/k/a DEBBIE NOE

Plaintiff's Name and ID Number

PACK UNIT(TDCJ)

Place of Confinement

CASE NO. _____
(Clerk will assign the number)

Nathan Ochsner, Clerk of Court

v.

UNIVERSITY OF TEXAS--MEDICAL BRANCH;
Defendant's Name and Address

KOLTON STOVER, PRACTICE MANGER

DEFENDANTS..

OWNS MURRAYM, VICE-PRESIDENT; J. PENN,
Defendant's Name and Address
CHIEF PSYCHIATRIST:
P. C. ADELL, PSYCH. DAINELLE TSAMOURIS, UPC:
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or a initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
 1. Approximate date of filing lawsuit: February 19, 2020
 2. Parties to previous lawsuit:

Plaintiff(s) HERBERT DARRELL HAY, a/k/a DEBBIE NOE

Defendant(s) TDCJ, et seq.
 3. Court: (If federal, name the district; if state, name the county.) U.S. DIST. COURT
 4. Cause number: 4:20-cv-00561
 5. Name of judge to whom case was assigned: GRAY H. MILLER, US.DIST. JUDGE
 6. Disposition: (Was the case dismissed, appealed, still pending?) DISMISSW/prejudice
 7. Approximate date of disposition: 2021

II. PLACE OF PRESENT CONFINEMENT: PACK UNIT

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? X YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: HERBERT DARRELL HAY, a/k/a DEBBIE NOE, #263672
2400 Wallace Pack Rd., (PACK UNIT);
NAVASOTA, TX 77868-4567

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: UNIVERSITY OF TEXAS--MEDICAL BRANCH at galveston HEADQUARTERS
301 UNIVERSITY BLVD. ATTN: OWENS Murraray, Vice-president GALVESTON, TX.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DISCRIMINATION, INTENTIONAL, BY DENIAL OF REASONABLE ACCOMODATIONS.

Defendant #2: JOESPH PENN, CHIEF PSYCHIATRIST 301 UNIVERSITY BLVD.
GALVESTON, TX.

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.
CREATION & IMPLEMENTATION OF G-51.11 CMHC POLICY MANUAL.

Defendant #3: PAULINE C. ADELL, PSYCHIATRIST & Dianelle TSAMOURIS, U.C.P.
301 university blvd.; GALVESTON, TX.

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

IMPLEMENTATION OF 51.11 CMHC POLICY MANUAL & other acts , or omissions.

Defendant #4: KOLTON STOVER, PRACTICE MANGER , (UTMB)

OWENS MURRAY , VICE PRESIDENT (UTMB) 301 university blvd. GALVESTON, TX.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

SEE ATTACHED COMPLAINT, as reference herein with APPENDIX ONE, with EXHIBIT 1 through 12, as if stated herein verbatimly and exclusively.
SEE FEDERAL RULES CIVIL PROCEDURES(west 2022).

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

PRELIMINARY & PERMANENT INJUNCTION, NIMINAL DAMAGES, AND ANY OTHER AND RELIEF THIS Court finds just, fair, and equitable,SEEattach complaint.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases. DEBBIE NOE, and HERBERT DARRELL(birth name legal name change by (STATE DIST, JUDGE(LOVELADY,TX:MICHAEL DARNELL LUKE NOE.

B. List all TDCJ-CID identifcaiton numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

#263672(Texas); 10663, 16026(FEDERAL)B-11104-B(CALIF.)

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES X NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES X NO

